

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

JACOB THOMAS EARLS

PLAINTIFF

V.

CASE NO. 3:13CV00192-JLH-BD

GERALD McCLUNG, et al.

DEFENDANTS

RECOMMENDED DISPOSITION

I. Procedures for Filing Objections:

This Recommended Disposition (“Recommendation”) has been sent to United States District Judge J. Leon Holmes. Any party may file written objections to this Recommendation.

Objections must be specific and must include the factual or legal basis for the objection. An objection to a factual finding must identify the finding of fact believed to be wrong and describe the evidence that supports that belief.

An original and one copy of your objections must be received in the office of the United States District Court Clerk within fourteen (14) days of this Recommendation. A copy will be furnished to the opposing party.

If no objections are filed, Judge Holmes can adopt this Recommendation without independently reviewing all of the evidence in the record. By not objecting, you may also waive any right to appeal questions of fact.

Mail your objections to:

Clerk, United States District Court
Eastern District of Arkansas
600 West Capitol Avenue, Suite A149
Little Rock, AR 72201-3325

II. Discussion:

On August 26, 2013, Plaintiff Jacob Thomas Earls, then an inmate at the Clay County Detention Center, filed this lawsuit pro se and was granted leave to proceed *in forma pauperis* (“IFP”). Mr. Earls claimed that the Defendants had retaliated against him, but his Complaint did not include enough facts for the Court to determine whether he could state a constitutional claim. (Docket entries #1, #2, #3) For that reason, he was ordered to submit an amended complaint explaining specifically how Defendants Sanders, Davis and McClung had violated his constitutional rights. (#3)

Mail to Mr. Earls was returned to the court as “undeliverable” on September 27, 2013 (#5), so he was ordered to provide notice of his new address and to submit an updated IFP application. (#6) After Mr. Earls eventually filed notice of a new address on October 18, 2013, the order requiring him to amend his complaint and to update his IFP application was sent to the new address on October 29, 2013.

To date, Mr. Earls has not filed an amended complaint or an updated IFP application, and the time to comply has expired. He was warned that failure to comply with the order would result in the dismissal of his claims. (#6)

III. Conclusion:

Mr. Earls has failed to comply with a court order and to timely prosecute his case. Accordingly, his claims should be dismissed, without prejudice, under Local Rule 5.5(c)(2).

DATED this 16th day of December, 2013.



UNITED STATES MAGISTRATE JUDGE